

UNITED STATES DISTRICT COURT

for the
District of New MexicoUnited States of America
v.Nathan MESCALE
(year of birth 1989)*Defendant(s)*Case No. **23-MJ-1708**


FILED
United States District Court
Albuquerque, New Mexico
Mitchell R. Elfers
Clerk of Court

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 2 & 3 in the county of San Juan in the
 District of New Mexico, the defendant(s) violated:*Code Section*18 U.S.C. § 1153
18 U.S.C. § 113(a)(6)
18 U.S.C. 2241(a)(1)*Offense Description*Offenses committed in Indian Country
Assault resulting in serious bodily injury
Aggravated sexual abuse sexual abuse uninf force

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Lorraine Hardy, Special Agent

Printed name and title

Telephonically sworn and electronically signed.

Date: December 4, 2023

*Judge's signature*City and state: Farmington, New Mexico

B. Paul Briones, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

VS

Nathan MESCALE
Year of birth: 1989

23-MJ-1708

Case No. _____

AFFIDAVIT IN SUPPORT OF
PROBABLE CAUSE ARREST

AFFIDAVIT IN SUPPORT OF A PROBABLE CAUSE ARREST

I, Lorraine Hardy, being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit is made in support of a Criminal Complaint and an Arrest Warrant for Nathan Mescale (hereinafter referred to as MESCALE), year of birth 1989.

2. I am currently serving as an FBI Special Agent assigned to the FBI, Albuquerque Division, Farmington Resident Agency, where I primarily investigate crimes that occur in Indian Country to include homicide, aggravated assault, child sexual assault, kidnapping and rape. I have been with the FBI for approximately 5 years. I received on the job training from other experienced agents, detectives, Indian Country criminal investigators, and tribal police officers. My investigative training and experience include, but is not limited to, processing crime scenes, conducting surveillance, interviewing subjects and witnesses, writing affidavits for executing search warrants and arrest warrants, examining cellular telephones, managing confidential human sources and cooperating witnesses/defendants, serving subpoenas, collecting evidence and analyzing public records.

3. This affidavit is based upon information reported to me by other federal, state, tribal and local law enforcement officers during the course of their official duties. Throughout this affidavit, reference will be made to law enforcement officers. Law enforcement officers are

those federal, state, and local law enforcement officers who have directly participated in this investigation. This affidavit is also based upon information gained from interviews with cooperating witnesses, whose reliability is established separately herein.

4. Based on my training, experience, and the facts set forth in this affidavit, there is probable cause to believe that MESCALE violated federal criminal statutes, including but not limited to 18 U.S.C. § 1153, crimes committed in Indian Country, 18 U.S.C. § 113(a)(6) assault resulting in serious bodily injury, and 18 U.S.C. § 2241 (a)(1) aggravated sexual abuse using force.

5. Because this affidavit is being submitted for the limited purpose of securing authorization for a Criminal Complaint and Arrest Warrant, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are sufficient to establish probable cause to obtain the requested warrant.

PROBABLE CAUSE

6. On or about December 3, 2023, at approximately 4:00 PM, the Farmington Resident Agency of the FBI was notified by Navajo Nation Department of Criminal Investigations (NNDCI) of a woman (hereinafter referred to as JANE DOE), year of birth 1985, was sexually assaulted in Sanostee, New Mexico and taken to Northern Navajo Medical Center (NNMC) in Shiprock with injuries.

7. JANE DOE was interviewed by law enforcement at approximately 5:00 PM at NNMC. It was learned JANE DOE was walking home on Hwy 491 in Shiprock, on December 2, 2023, at approximately 1:00 PM, when a late model blue Chevrolet pick-up truck (herein after referred to as the SUBJECT VEHICLE) bearing New Mexico license plate 442WYS, pulled over. A Native American male (later identified by law enforcement as MESCALE) jumped out

of the SUBJECT VEHICLE and grabbed JANE DOE. JANE DOE attempted to run but MESCALE hit JANE DOE with a black handgun in the head. MESCALE threw JANE DOE into the truck and sped off heading South towards Sanostee. JANE DOE attempted to jump out of the SUBJECT VEHICLE, but MESCALE slammed JANE DOE's head into the dashboard rendering her unconscious.

8. JANE DOE woke up to MESCALE dragging her out of the SUBJECT VEHICLE towards a white single wide trailer with a shed attached. As soon as MESCALE got JANE DOE through the front door of the residence he ripped off all her clothes. JANE DOE was completely naked. JANE DOE was bleeding really bad from her injuries. MESCALE dragged JANE DOE to the bathroom. JANE DOE kept fighting MESCALE, but he continued to throw her around and punch her in the face with his fists. MESCALE threw JANE DOE into the bathtub, breaking the bottom of the bathtub. MESCALE was drinking a bottle of alcohol with a silver label on it and smoking something. MESCALE started pouring the alcohol over JANE DOE's face choking her. MESCALE told JANE DOE he was going to kill her, and nobody was going to find her. JANE DOE begged MESCALE to not hurt her.

9. MESCALE dragged JANE DOE out of the tub to the hallway where he raped her vaginally over and over again. MESCALE dragged JANE DOE to his bedroom and she tried to run. MESCALE caught JANE DOE in the living room and sat on her. MESCALE put his hands around her neck choking her until she passed out. JANE DOE urinated and defecated on the living room carpet. MESCALE kicked JANE DOE in the back while she was on the floor. JANE DOE stated throwing up. JANE DOE was scared she had a concussion because she felt like she was going to fall asleep. MESCALE continued to rape and beat JANE DOE all through the night and into the next morning.

10. The next morning MESCALE gave JANE DOE a pair of his black sweatpants and sweatshirt to wear. MESCALE walked a short distance away and JANE DOE jumped out of his bedroom window, breaking the window. JANE DOE ran with no shoes towards a brown house screaming “help me, help me”. MESCALE was chasing JANE DOE with the handgun. A woman (hereinafter referred to as K.R., year of birth 1974) opened the door and hid JANE DOE inside her residence. K.R. called police. MESCALE ran to the back door and started kicking the back door yelling for JANE DOE. K.R.’s husband (hereinafter referred to as D.R.), year of birth 1973, went outside with a baseball bat and told MESCALE JANE DOE was not there. K.R. and D.R. both observed MESCALE during the incident and identified him as their neighbor who lived in the single wide trailer next door. JANE DOE identified MESCALE, the man who chased her to the neighbor’s house, as the same man who raped her.

11. MESCALE sat on the ground halfway between his residence and the neighbors waiting for JANE DOE to come out. Navajo Nation Police (NPD) officers arrived approximately thirty minutes later. MESCALE saw the officers and ran into the arroyo.

12. After an interview of NNMCM Emergency Room Doctor, it was learned JANE DOE had sustained multiple contusions and abrasions. JANE DOE had several open cuts on her head and a Computed Tomography (CT) scan was ordered to identify any further injuries. CT scan result are pending. JANE DOE was scheduled for a Sexual Assault Nurses Exam (SANE) the following day.

13. Your affiant observed JANE DOE in the Emergency Room during the interview. JANE DOE was lying flat on her back with a C-collar around her neck. JANE DOE had multiple bruises and cuts on her face and several small bruises under her right jaw line on her neck. JANE DOE stated her pain level was a nine on a scale of one to ten.

14. The reported incident took place at ¼ mile East of Sanostee Chapter House, GPS coordinates 36.4294730, -108.8615751, which is within the exterior boundaries of the Navajo Nation.

15. MESCALE and JANE DOE are certified member of the Navajo Nation.

CONCLUSION

16. Based on my training, experience, and the facts as set forth in this affidavit, your affiant submits there is probable cause to believe MESCALE violated federal criminal statutes, 18 U.S.C. § 1153, crimes committed in Indian Country, 18 U.S.C. § 113(a)(6) assault resulting in serious bodily injury, and 18 U.S.C. § 2241 (a)(1) aggravated sexual abuse using force.

17. Supervisory Assistant United States Attorney Elisa Dimas reviewed and approved this affidavit for legal sufficiency to establish probable cause.

Electronically SUBSCRIBED and telephonically SWORN to me on December 4th,
2023.



Lorraine Hardy
Special Agent
Federal Bureau of Investigation



B. Paul Briones
United States Magistrate Judge